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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,564	12/22/2003	Nicolas Rougnon-Glasson	852263.410	5047
38106	7590	04/04/2006	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVENUE, SUITE 6300 SEATTLE, WA 98104-7092			PEYTON, TAMMARA R	
			ART UNIT	PAPER NUMBER
			2182	
DATE MAILED: 04/04/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/743,564	ROUGNON-GLASSON, NICOLAS
	Examiner Tammara R. Peyton	Art Unit 2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on Election 1/23/06.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
  - 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 11, 12, 18-22 is/are rejected.
- 7) Claim(s) 13-17 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 12/22/03.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**Response to Restriction Argument**

Applicant argues that Species I and Species II are not patentably distinct. Examiner disagrees with Applicant. Species I is directed to a write pointer register in a first system for writing data; a read pointer register in a second system for reading data; a buffer memory connected between the first and second systems; a first shadow register, second shadow register, a third shadow register, and a fourth shadow register and a first compare circuit and second compare circuit comparing the contents of said write pointer register and read pointer register and Species II is directed to a write pointer register in a first system for writing data; a read pointer register in a second system for reading data; a buffer memory connected between the first and second systems; a first shadow register, second shadow register, a third shadow register, and a first compare circuit comparing the contents of the write pointer register. Applicant's arguments are not persuasive and the restriction rejection is maintained.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 12, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Panis et al., (US 2003/0028756).

As per claims 11, 12, and 18-22, Panis teaches a device for transferring data between asynchronous first and second systems, comprising;

a write pointer [107] register in the first system (BAU1) for writing data;  
a read pointer [107] register in a second system (BAU2, BAU3, BAU4) for reading data;

a buffer memory connected between the first and second systems',  
a first shadow register [SR1] located in the first system and connected to the write pointer register to receive contents of the write pointer register;  
a second shadow register[SR2] located in the second system and connected to the read pointer register to receive contents of the read pointer register a third shadow register [SR3] located in the first system and connected to the second shadow register to receive contents of the second shadow register; and a first compare circuit comparing the contents of the write pointer register with the contents of the third shadow register in order to authorize writes to the buffer memory. (Abstract, pgs. 1-6)

Claims 11, 12, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Catherwood et al., (US 2003/0023836).

As per claims 11, 12, and 18-22, Catherwood teaches a device for transferring data between asynchronous first (100) and second (140) systems, comprising;  
a write pointer [0043] register in the first system (100) for writing data;  
a read pointer [0043] register in a second system (140) for reading data;  
a buffer memory connected between the first and second systems',  
a first shadow register (part of shadow registers 350) located in the first system and connected to the write pointer register to receive contents of the write pointer register;  
a second shadow register(part of shadow registers 350) located in the second system and connected to the read pointer register to receive contents of the read pointer register a third shadow register (part of shadow registers 350) located in the first system and connected to the

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second shadow register to receive contents of the second shadow register; and a first compare circuit comparing the contents of the write pointer register with the contents of the third shadow register in order to authorize writes to the buffer memory. (Abstract, pgs. 1-5)

***Allowable Subject Matter***

Claims 13-17 objected to as being dependent upon a rejected base claim.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

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(571) 273-8300

Hand-delivered responses should be brought to:

USTPO, Randolph Building, Customer Service Window

401 Dulany Street

Alexandria, VA 22314.

Tammara Peyton

March 28, 2006

**Election/Restrictions**

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species 1, claims 1-10 are directed to a write pointer register in a first system for writing data; a read pointer register in a second system for reading data; a buffer memory connected between the first and second systems; a first shadow register, second shadow register, a third shadow

register, and a fourth shadow register and a first compare circuit and second compare circuit comparing the contents of said write pointer register and read pointer register.

Species 2, claims 11-22 are directed to a write pointer register in a first system for writing data; a read pointer register in a second system for reading data; a buffer memory connected between the first and second systems; a first shadow register, second shadow register, a third shadow register, and a first compare circuit comparing the contents of the write pointer register.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claims provided by 37 CFR 1. 141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP 5809.02(a).

Should applicant traverse on the ground that the species are not patentability distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

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examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR,143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more. of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1. 17(i).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a

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TAMMARA PEYTON  
TAMMARA EXAMINER  
PRIMARY EXAMINER  


Tammara Peyton

November 17, 2005